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A Guide to the Development of Regional Impact Review Process

Prepared by the
Cape Cod Commission



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Introduction

The Cape Cod Commission is a regional land use planning and regulatory agency created by an Act of the Massachusetts General Court in 1990. The Commission reviews projects which present regional issues identified in the Act, including water quality, traffic flow, historic values, affordable housing, open space, natural resources and economic development.

This guide answers questions frequently asked about the Development of Regional Impact review process. Members of the staff are available to provide assistance with questions you might have.

1. *What is a Development of Regional Impact?*

There are certain development projects that, due to their size, location or character, affect more than one community. For example, a proposed commercial development may impact water quality in two towns. The Cape Cod Commission Act calls such a project a *Development of Regional Impact (DRI)*.

2. *Who needs to go through the DRI review process?*

A project may be referred to the Commission for DRI review in one of three ways:

a) *Mandatory Referral.*

DRI review is required by law if a project exceeds a specific threshold. Examples of projects which need to go through mandatory DRI review by the Cape Cod Commission are those involving:

- subdivisions of thirty acres or more
- development of thirty or more residential lots or dwelling units
- development of ten or more business, office or industrial lots
- commercial development or change of use for buildings greater than 10,000 square feet
- transportation facilities for passage to or from Barnstable County
- demolition or major changes to some national or state-recognized historic structures
- bridge, ramp or road construction providing access to several types of waterbodies and wetlands

- new construction or change of use involving outdoor commercial space of greater than 40,000 square feet



b) *Discretionary Referral.*

DRI review may also be required for projects which do not meet a threshold but which are forwarded to the Commission from the town in which they are located. The Commission must first vote to accept this type of referral as a development which has regional impacts.

c) *Review under MEPA.*

Projects requiring review under the Massachusetts Environmental Policy Act (MEPA) may also require DRI review. An applicant may request a joint review process with the state and the Commission.

For an informal opinion regarding whether a project qualifies as a DRI, an applicant may contact a Commission staff member listed at the end of this brochure. In addition, the applicant or town may request a *Jurisdictional Determination* from the Commission. This is a 21-day process in which the Commission will determine whether or not a project qualifies as a DRI.

3. *What projects are not subject to full DRI review?*

Projects that are determined to be DRIs may, under certain circumstances, receive an exemption from full DRI review. In order to qualify, an applicant must prove a hardship or demonstrate that a project does not have regional impacts.

Projects that obtained certain local permits as specified in the Cape Cod Commission Act prior to July 1, 1989 are exempt from DRI review.

4. How is a project referred?

The formal review process starts by applying for town permits to initiate the local permitting process. If a project triggers one of the above thresholds, the local permitting authority will refer the project to the Commission for DRI review.

5. Where does an applicant start?

A pre-application conference with Commission staff is encouraged while a project is in the early planning stages in order for Commission staff to assist with site planning, design issues and the application process.

The applicant should initiate the town permitting process to begin the review. If the Commission receives a referral on the project, the local permitting time clock is suspended until the DRI review is completed.



The next step is for the applicant to submit a DRI application. The application includes questions about property ownership, project location and description. Project plans are also required to be filed. *The Commission staff is available to help complete the DRI application form.*

6. How long does the review take?

A complete application is key to a timely review. Our average review time to date has been about five months, although it

can be shorter. State law requires completion of the review process within seven months, unless there is mutual consent to extend this period of time. The Commission seeks to make a decision as expeditiously as possible.



7. Who conducts a DRI review?

The Commission is made up of nineteen appointed members. Review of a project will be assigned to a subcommittee of five Commission members (one of whom may be the local representative) who will hold at least one public hearing on the project in the town in which the project is located. Commission staff will prepare a report on the project for this subcommittee. Once their review is complete, the subcommittee will make a report to the nineteen-member Commission, who will hold a final public hearing and vote on the project.

8. What does the Commission look for when reviewing a project?

To be approved, a project must:

- show that the benefits to Cape Cod outweigh the detriments
- be consistent with the Cape Cod Commission Act, the town's comprehensive plan, and the Barnstable County *Regional Policy Plan*
- be consistent with local development bylaws
- be consistent with any designated *Districts of Critical Planning Concern*, areas which have been designated for special protection of important resources.

The DRI review process also incorporates local concerns whenever possible.

In order to be approved, a project may be required to meet certain conditions, such as contributing a fair share to traffic improvements or providing affordable housing in new residential developments.

9. *What happens after DRI review is complete?*

After receiving approval from the Cape Cod Commission, the applicant will need to complete the town review and permitting process in order to obtain the necessary local approvals to proceed with the project. The time clock of the local board, which was suspended during DRI review, will resume after the Commission makes its decision.

10. *How can an applicant keep costs down?*

The Commission will coordinate local review and Commission review through a joint scoping process, saving time and money. Contact Commission staff for further information.

Commission staff members and resources are available to provide assistance and to minimize any duplication of effort. Timely submission of requested information will ensure that the process will proceed smoothly.

Site plan submission requirements are similar to those that are required by town boards.

Fees vary according to the type of proposed project and are listed in the DRI application. Under some circumstances, a full or partial waiver of the filing fee may be granted.

The following list of available resources and staff is included in this brochure to assist with the DRI review process. For further information please call a staff member listed below at (508) 362-3828.

Staff List

• OVERALL POLICY QUESTIONS, COMMUNITY LIAISON •

Executive Director: Armando J. Carbonell
Deputy Director: Margo Fenn

• DRI FACILITATOR •

Chief Regulatory Officer: Dorr Fox

• REGULATORY REVIEW •

Staff Counsel: Patty Daley
Planners: Andrea Adams, Greg Guimond, Sarah Korjeff,
 Sharon Rooney, Kathy Sferra, Tana Watt, Gay Wells
Commission Clerk: Kathie Peters

• INFORMAL JURISDICTIONAL DETERMINATION •

Chief Regulatory Officer: Dorr Fox

Staff Counsel: Patty Daley

• PLANNING ASSISTANCE •

Wetlands, natural resources, open space: Kathy Sferra

Land use, zoning: Dorr Fox, Greg Guimond

Site planning: Greg Guimond, Sharon Rooney

Historic preservation: Sarah Korjeff

Landscape design: Sharon Rooney, Tana Watt

• GEOGRAPHIC INFORMATION SYSTEM •

Systems Manager: Gary Prahm

Technical: Ben Smith

• PUBLICATIONS •

Communications Coordinator: Dan Hamilton

• ECONOMIC DEVELOPMENT •

Economic Development Officer: Jim O'Connell

Research Analyst: Marilyn Fifield

• AFFORDABLE HOUSING •

Affordable Housing Specialist: Ed Allard

• TRANSPORTATION •

Program Manager: Bob Mumford

Technical: Lev Malakhoff, Paul Tilton,

Priscilla Leclerc, Sue Pommrehn

• SOLID WASTE •

Coordinator: Dave Hall

• HAZARDOUS WASTE •

Planner: Andrea Adams

• WATER RESOURCES •

Program Manager: Tom Cambareri

Technical: Ed Eichner, Gabrielle Belfit,

Donna McCaffery, Ken Livingston

• COASTAL ISSUES •

Marine Resources Specialist: Pat Hughes

CZM Coordinator: Truman Henson

• SUPPORT STAFF •

Special Asst. to Exec. Director: Gail Coyne

Administrative Assistant: Keri Cahoon

Clerks: Priscilla Prahm, Gail Hanley,

Louise Cote

Resource List

The Cape Cod Commission has publications that are available for public use. Commission staff is also available to assist in interpreting them. The general categories of information that are available include:

The Cape Cod Commission Act, the state legislation establishing the Cape Cod Commission.

The Regional Policy Plan and supporting documents, which are the regional standards guiding development on Cape Cod.

Regulations supporting the intent of the Cape Cod Commission Act, including the Cape Cod Commission Regulations of General Application, and the Administrative Regulations.

Policies governing specific Commission protocol, including Hardship Exemption Requests, Change of Use, Affordable Housing, and Revisions to Approved DRIs.

Technical Bulletins and Studies on specific topics with which your project may be involved, including nitrogen loading, open space, habitat assessment, and traffic fair share guidelines.

Project Reports completed by prior applicants and their consultants that may contain information applicable to a project.

Guidance Documents such as Referral of Historic Structures, District of Critical Planning Concern (DCPC) Guidance Document, and design guidelines for development.

Applications that are required to initiate Commission review, such as those for DRIs, Exemption Requests, and Jurisdictional Determinations.

